

Message Text

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64

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 IO-10 NIC-01 ACDA-05 SAJ-01 BIB-01 EB-07 /082 W

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R 091800Z JAN 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 331

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: PGOV, PFOR, PBOR, UR, WB, GW, AU

SUBJECT: SOVIET PROTEST EXTENSION TREATIES TO BERLIN

1. SOVIET EMBASSY COUNSELOR RODIN CALLED
ON BRITISH (CHAIRMAN) POLAD JANUARY 8 TO DELIVER
FOLLOWING PROTEST ON EXTENSION TO BERLIN OF TREATIES BETWEEN FRG
AND AUSTRIA ON BORDER MATTERS (SOVIET
TRANSLATION AS EDITED BY BRITISH): BEGIN TEXT:

RECENTLY THE FRG BUNDESTAG PASSED A LAW ABOUT
RATIFICATION OF THE -TREATY OF FEB 29, 1972 BETWEEN THE
FEDERAL REPUBLIC OF GERMANY AND THE AUSTRIAN REPUBLIC ABOUT THE
STATE BORDER BETWEEN THEM" EARLIER A TREATY BETWEEN THE FRG AND
AUSTRIA ABOUT FACTORS RESULTING FROM SALZBURG AIRPORT OPERATIONAL
ACTIVITIES AFFECTING THE FRG TERRITORY" ENTERED INTO
FORCE. IT IS SUPPOSED TO EXTEND THESE BOTH TREATIES
TO "LAND BERLIN".

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THE SUBJECT OF THESE TREATIES IS NOT, IN EVEN THE MOST REMOTE WAY, RELATED TO THE WESTERN SECTORS OF BERLIN. BESIDES THIS, TREATY REGULATIONS REFERRING TO STATE BORDERS CANNOT BUT AFFECT QUESTIONS OF STATUS AND SECURITY. IN CONNECTION WITH THE TREATY ABOUT THE OPERATION OF THE AIRPORT IN SALZBURG QUESTIONS OF AIR COMMUNICATION WHICH ARE ALTOGETHER OUT OF THE FRG COMPETENCE AS FAR AS WEST BERLIN IS CONCERNED, ARE ALSO TOUCHED ON. THUS THERE IS NEITHER A PRACTICAL, NOR JUDICIAL NECESSITY FOR THE EXTENTION OF THE ABOVE MENTIONED TREATIES TO THE WESTERN SECTORS OF BERLIN.

IT IS QUITE CLEAR THAT THE EXTENTION OF THESE TREATIES TO WEST BERLIN IS A FURTHER ATTEMPT TO DEMONSTRATE THE UNLAWFUL CLAIMS OF THE FRG ON THE WESTERN SECTORS OF BERLIN, IN BREACH OF THE QUADRIPARTITE AGREEMENT.

THE SOVIET SIDE WOULD LIKE TO POINT OUT WITH FULL SERIOUSNESS THAT SUCH A LINE PURSUED BY THE FRG CAN SERIOUSLY DAMAGE THE NORMAL FUNCTIONING OF THE QUADRIPARTITE AGREEMENT. PERSISTENTLY WARNING ABOUT THIS, WE HOPE THAT THE COMPETENT AUTHORITIES OF THE THREE WESTERN POWERS, TAKING INTO ACCOUNT THEIR OBLIGATIONS UNDER THE QUADRIPARTITE AGREEMENT, WILL UNDERTAKE ALL THE NECESSARY MEASURES IN ORDER TO STOP THIS UNLAWFUL PRACTICE.

IN ADDITION THE SOVIET SIDE ONCE MORE DRAWS THE ATTENTION OF THE AUTHORITIES OF THE THREE POWERS TO THE ILLEGITIMATE USAGE BY THE FEDERAL REPUBLIC OF GERMANY OF THE FORMAL "LAND BERLIN" WITH REFERENCE TO THE WESTERN SECTORS OF BERLIN, WHICH DO NOT BELONG TO THE FRG. THE SOVIET SIDE STRESSES THAT THE EXTENTION OF INTERNATIONAL TREATIES OF THE FRG TO THE WESTERN SECTORS OF BERLIN UNDER THE FORMAL "LAND BERLIN" HAS BEEN AND WILL BE REGARDED AS INVALID. END TEXT.

2. BRITISH HAD IMPRESSION SOVIETS MAKING THEIR LIMITED OFFICIAL USE

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PROTEST ON "PRO FORMA" BASIS TO BRING RECORD UP TO DATE. MATTER IS BEING REFERRED TO ALLIED LEGAL ADVISERS AND RECOMMENDATIONS WILL FOLLOW IN DUE COURSE. SELIGMANN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, DIPLOMATIC PROTESTS, BOUNDARY CLAIMS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975USBERL00045
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750009-0612
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750164/aaaacefh.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAR 2003 by CunninFX>; APPROVED <02 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET PROTEST EXTENSION TREATIES TO BERLIN
TAGS: PGOV, PFOR, PBOR, UR, WB, GE, AU
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006